

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORGANNE MILES, by her mother KRYSTAL
TITUS; OLIVIA MILES, by her mother KRYSTAL
TITUS; PASCALLE MOSSIN, by her mother
AMY MARGARET MCCUTCIN; THEO CHAN,
by his father SUNNY CHAN, LEAH CHAN,
by her father, SUNNY CHAN,

08-CV-0432

MOTION TO ADMIT COUNSEL
PRO HAC VICE

Plaintiffs,

- against -

MICHAEL O. LEAVITT, Secretary, United States
Department of Health and Human Services

Defendant,

FILED
U.S. DISTRICT COURT
S.D. OF N.Y.
2008 MAR 10 AM 9:43

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the
Southern and Eastern Districts of New York, I, Elisabeth Benjamin, a member in good standing of
the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

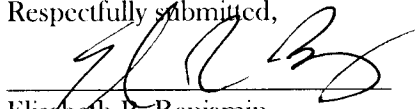
Applicant's Name: Martha Jane Perkins
Firm Name: National Health Law Program
Address: 211 N. Columbia Street, 2nd Floor
City/State/Zip: Chapel Hill, NC 27516
Phone Number: (919) 968-6308
Fax Number: (919) 968-8855

Ms. Perkins is a member in good standing of the Bar of the States of
North Carolina and California.

To the best of my knowledge, there are no pending disciplinary proceeding against Ms. Perkins in any State or Federal
court.

Dated: March 6, 2008
City, State: New York, NY

Respectfully submitted,



Elisabeth R. Benjamin
SDNY Bar EB-0652

Firm Name: Community Service Society of New York
Address: 105 East 22nd St., 2nd Floor
City/State/Zip: New York, NY 10010
Phone Number: (212) 614-5461
Fax Number: (212) 260-6218

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

MORGANNE MILES, by her mother KRYSTAL
 TITUS; OLIVIA MILES, by her mother KRYSTAL
 TITUS; PASCALLE MOSSIN, by her mother
 AMY MARGARET MCCUTCIN; THEO CHAN,
 by his father SUNNY CHAN, LEAH CHAN,
 by her father, SUNNY CHAN,

08-CV-0432

AFFIDAVIT OF
 ELISABETH BENJAMIN
 IN SUPPORT OF MOTION
 TO ADMIT COUNSEL
 PRO HAC VICE

Plaintiffs,

- against -

MICHAEL O. LEAVITT, Secretary, United States
 Department of Health and Human Services

Defendant,

State of New York)
)
 County of New York) ss:

Elisabeth Benjamin, being duly sworn, hereby deposes and say as follows:

1. I am an attorney at the Community Service Society, counsel for Plaintiffs in the above captioned. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Martha Jane Perkins as counsel pro hac vice to represent Plaintiffs in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1992. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this court.
3. I have known Martha Jane Perkins since 1993.
4. Ms. Perkins is the Director of Litigation for the National Health Law Program, with offices in Los Angeles, North Carolina, and Washington, D.C.
5. I have found Ms. Perkins to be a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Ms. Perkins, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Ms. Perkins, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Ms. Perkins, pro hac vice, to represent Plaintiff in the above captioned matter, be granted.

Dated: March 6, 2008
 City, State: New York, NY
 Notarized:

Jacqueline C. Burger
 JACQUELINE C. BURGER
 Notary Public, State of New York
 No. 02BU4937015
 Qualified in Kings County
 Commission Expires July 21, 2010

Respectfully submitted,

Elisabeth R. Benjamin
 Elisabeth R. Benjamin:

SDNY Bar Code: EB-0652



THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

February 8, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MARTHA JANE PERKINS, #104784 was admitted to the practice of law in this state by the Supreme Court of California on December 3, 1982; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert

Custodian of Membership Records

Supreme Court OF THE STATE OF NORTH CAROLINA



I, Christie Speir Cameron, Clerk of the Supreme Court of North Carolina, do hereby certify that on August 22, 1981, a license to practice as an Attorney and Counselor at Law in all the Courts of this State was issued by the North Carolina Board of Law Examiners to

MARTHA JANE PERKINS

according to the certified list of licentiates reported by the Secretary of said Board and filed in my office as required by statute.

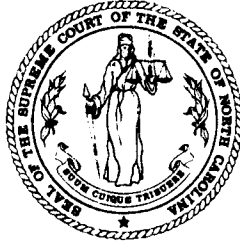
To the date of this certificate, no order revoking said license has been filed with this Court and no order suspending same is in effect.

WITNESS my hand and the Seal of the Supreme Court of North Carolina at the office in Raleigh, this February 8, 2008

Christie S. Cameron

Christie Speir Cameron
Clerk of the Supreme Court
of the State of North Carolina

Supreme Court OF THE STATE OF NORTH CAROLINA



*I, Christie Speir Cameron, Clerk of the Supreme Court of North Carolina, do hereby
certify that on August 22, 1981, a license to practice as an Attorney and Counselor at Law in all
the Courts of this State was issued by the North Carolina Board of Law Examiners to*

MARTHA JANE PERKINS

*according to the certified list of licentiates reported by the Secretary of said Board and filed in
my office as required by statute.*

*To the date of this certificate, no order revoking said license has been filed with this
Court and no order suspending same is in effect.*

*WITNESS my hand and the Seal of the Supreme Court of North Carolina at the office in
Raleigh, this* *February 8, 2008*

Christie S. Cameron

*Christie Speir Cameron
Clerk of the Supreme Court
of the State of North Carolina*

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORGANNE MILES, by her mother KRYSTAL
TITUS; OLIVIA MILES, by her mother KRYSTAL
TITUS; PASCALLE MOSSIN, by her mother
AMY MARGARET MCCUTCIN; THEO CHAN,
by his father SUNNY CHAN, LEAH CHAN,
by her father, SUNNY CHAN,

08-CV-0432

Plaintiffs,

– against –

MICHAEL O. LEAVITT, Secretary, United States
Department of Health and Human Services

Defendant,

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Elisabeth Benjamin, attorney for all Plaintiffs, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: Martha Jane Perkins
Firm Name: National Health Law Program
Address: 211 N. Columbia Street, 2nd Floor
City/State/Zip: Chapel Hill, NC 27516
Telephone/Fax: (919) 968-6308/ (919)968-8855
Email Address: perkins@healthlaw.org

is admitted to practice pro hac vice as counsel for all Plaintiffs in the above captioned case in the United States District for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Fille (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:
City, State:

United States District/Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORGANNE MILES, by her mother KRYSTAL
TITUS; OLIVIA MILES, by her mother KRYSTAL
TITUS; PASCALE MOSSIN, by her mother
AMY MARGARET MCCUTCIN; THEO CHAN,
by his father SUNNY CHAN; LEAH CHAN,
by her father, SUNNY CHAN,

08-CV-0432

Plaintiffs,

v.

MICHAEL O. LEAVITT, Secretary, United States
Department of Health and Human Services,

Defendant.

DECLARATION OF MAIL SERVICE

I, ELISABETH R. BENJAMIN, declare under penalty of perjury pursuant to 28
U.S.C. § 1746, that the following is true and correct.

I declare that I am an attorney with the Community Service Society of New York,
105 East 22nd Street, New York, NY 10010. On the date given below, I served by U.S.
Mail the person/entity identified below a true copy of the attached Motion Pro Hac Vice
Admission of Martha Jane Perkins in this action.

DATE OF SERVICE: March 6, 2008

PLACE OF SERVICES: 86 Chambers Street, New York, New York 10007

PERSON/ENTITY TO WHOM SERVED:

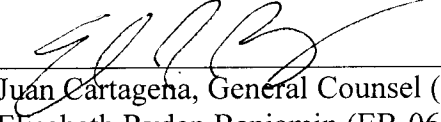
Serrin Turner, United States Attorney, Attorney for Defendant Leavitt.

Dated: New York, NY
March 6, 2008

Respectfully submitted,

MORGANNE MILES, by her mother KRYSTAL TITUS; OLIVIA MILES, by her mother KRYSTAL TITUS; PASCALE MOSSIN, by her mother AMY MARGARET MCCUTCIN; THEO CHAN, by his father SUNNY CHAN; LEAH CHAN, by her father, SUNNY CHAN,

Through their attorneys,



Juan Cartagena, General Counsel (JC-5087)
Elisabeth Ryden Benjamin (EB-0652)
Michelle Light*
Community Service Society of New York
105 East 22nd St., 2nd Floor
New York, NY 10010
(212) 614-5461

Bryan D. Hetherington (BH-8363)
Trilby de Jung
Empire Justice Center
One West Main Street, Suite 200
Rochester, NY 14614
(585) 454-4060

Jane Perkins*
National Health Law Program
211 N. Columbia Street
Chapel Hill, NC 27154
(919) 968-6308 (x102)

Gill Deford
Center for Medicare Advocacy
PO Box 350
Willimantic, CT 06226
(860) 456-2614

* Not admitted in the Southern District of New York

TO: Serrin Turner
U.S. Attorney for the Southern District of New York
Civil Division
86 Chambers Street
New York, NY 10007